

**DECLARATION AND POWER OF ATTORNEY**

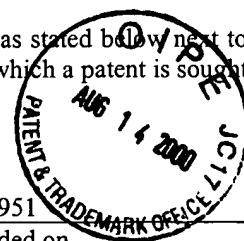
As the below named inventors, we hereby declare that our residence, post office address and citizenships are as stated below next to our names: that we verily believe we are the original and joint inventors of the subject matter claimed and for which a patent is sought in the application entitled:

**ANTI-RAPAMYCIN MONOCLONAL ANTIBODIES**

which application is:

☐ the attached application  
(for original application)

☒ Application No. 09/576,951  
filed May 24, 2000, and amended on  
May 24, 2000  
(for declaration not accompanying application)



that we have reviewed and understand the contents of the specification of the above-identified application, including the claims, as amended by any amendment referred to above; that we acknowledge our duty to disclose information of which we are aware which is material to the patentability of this application under 37 C.F.R. § 1.56, that we hereby claim priority benefits under Title 35, United States Code §119, §172 or §365 of any provisional application or foreign application(s) for patent or inventor's certificate listed below and have also identified on said list any foreign application for patent or inventor's certificate on this invention having a filing date before that of any foreign application on which priority is claimed:

Application Number	Country	Filing Date	Priority Claimed
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We hereby claim the benefit of Title 35, United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in a listed prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, We acknowledge our duty to disclose any information material to the patentability of this application under 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Filing Date	Status
08/424,983	April 19, 1995	Abandoned
08/224,205	April 14, 1994	Abandoned
08/053,030	April 23, 1993	Abandoned

We hereby appoint John H. Mion, Reg. No. 18,879; Thomas J. Macpeak, Reg. No. 19,292; Robert J. Seas, Jr., Reg. No. 21,092; Darryl Mexic, Reg. No. 23,063; Robert V. Sloan, Reg. No. 22,775; Peter D. Olexy, Reg. No. 24,513; J. Frank Osha, Reg. No. 24,625; Waddell A. Biggart, Reg. No. 24,861; Louis Gubinsky, Reg. No. 24,835; Neil B. Siegel, Reg. No. 25,200; David J. Cushing, Reg. No. 28,703; John R. Inge, Reg. No. 26,916; Joseph J. Ruch, Jr., Reg. No. 26,577; Sheldon I. Landsman, Reg. No. 25,430; Richard C. Turner, Reg. No. 29,710; Howard L. Bernstein, Reg. No. 25,665; Alan J. Kasper, Reg. No. 25,426; Kenneth J. Burchfiel, Reg. No. 31,333; Gordon Kit, Reg. No. 30,764; Susan J. Mack, Reg. No. 30,951; Frank L. Bernstein, Reg. No. 31,484; Mark Boland, Reg. No. 32,197; William H. Mandir, Reg. No. 32,156; Scott M. Daniels, Reg. No. 32,562; Brian W. Hannon, Reg. No. 32,778; Abraham J. Rosner, Reg. No. 33,276; Bruce E. Kramer, Reg. No. 33,725; Paul F. Neils, Reg. No. 33,102; Brett S. Sylvester, Reg. No. 32,765; Robert M. Masters, Reg. No. 35,603 and George F. Lehnigk, Reg. No. 36,359, our attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and request that all correspondence about the application be addressed to **SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC**, 2100 Pennsylvania Avenue, N.W., Washington, D.C. 20037-3213.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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Post Office Address: \_\_\_\_\_  
\_\_\_\_\_

Citizenship \_\_\_\_\_

Date \_\_\_\_\_ Fifth Inventor \_\_\_\_\_  
First Name Middle Initial Last Name  
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Citizenship \_\_\_\_\_

Date \_\_\_\_\_ Sixth Inventor \_\_\_\_\_  
First Name Middle Initial Last Name  
Residence \_\_\_\_\_ Signature \_\_\_\_\_  
City State/Country

Post Office Address: \_\_\_\_\_  
\_\_\_\_\_

Citizenship \_\_\_\_\_

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Continuation-In-Part Application  
of Serial No.: 08/424,983

Group Art Unit: 1618

Filed: May 24, 2000

Examiner: Ponnaluri, P.

For: **ANTI-RAPAMYCIN MONOCLONAL  
ANTIBODIES** (As Amended)

**STATEMENT OF AVAILABILITY**

Assistant Commissioner  
of Patents  
Washington, D.C. 20231

Sir:

We, AMERICAN HOME PRODUCTS CORPORATION, do depose, declare  
and state that:

WYETH-AYERST LABORATORIES, a Division of American Home  
Products, was the developer and depositor of hybridoma  
RAP-42-OVAF<sub>2</sub>#1hc (ATCC No. 11568) described in the  
above-identified application.

RAP-42-OVAF<sub>2</sub>#1hc (ATCC No. 11568) is the same hybridoma which  
is described in Great-Grandparent Application Serial  
No. 08/053,030, filed April 23, 1993.

We, AMERICAN HOME PRODUCTS CORPORATION agree that upon  
allowance and issuance of the above-identified application into a  
United States Patent, restriction on availability of:

RAP-42-OVAF<sub>2</sub>#1hc (ATCC No. 11568)

which is designated in the specification of the above-identified  
application and deposited at the American Type Culture Collection  
(ATCC), 10801 University Boulevard, Manassas, VIRGINIA 20110-2209,  
on March 10, 1994, will be irrevocably removed.

**STATEMENT OF AVAILABILITY**  
**CIP of USSN 08/424,983**

We agree that the above-identified hybridoma designated in the above-identified application will be maintained for a period of 30 years or 5 years after the last request for the deposit or for the effective life of any patent which issues on the above-identified application, whichever is longer;

We agree that if the deposit become non-viable, it will be replaced; and

We also assure access to the deposit as determined by the Commissioner under 37 C.F.R. § 1.14.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

AMERICAN HOME PRODUCTS CORPORATION

Date: 5/23/2000

Name: *M. Magid*  
Name: Magid Abou-Gharbia, Ph.D.  
Title: Vice President  
Chemical Sciences  
Wyeth-Ayerst Research